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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,629	06/22/2001	Vipul Bansal	JP920010121US1	7402

7590 10/04/2006

INTERNATIONAL BUSINESS MACHINES CORPORTION  
ALMADEN RESEARCH CENTER  
650 HARRY ROAD  
SAN JOSE,, CA 95120

EXAMINER
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CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/887,629

Applicant(s)

BANSAL ET AL.

Examiner

Debra F. Charles

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/11/04, 06/22/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2, 20,38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the applicant is talking about in this claim 2 and claim 20.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1,4,5, 19, 22,23,37, 40, 41 are rejected under 35 U.S.C.

103(a) as being unpatentable over Gavarini(7080070B1), Burns et al.(5189606A) and Rutkowski et al.(5826270A).

As per claim 1,5,23, 37, 41: Gavarini discloses negotiable ecommerce transactions that are an online catalog database of prices associated with specific products(col. 2, line 1 – col. 4, line 50, Fig. 25A). Gavarini does not disclose a breakdown of all component costs that compose the total cost. Burns et al. disclose a breakdown structure that shows the costs associated with each significant cost element and aggregating all said costs to arrive at total cost(entire document). Therefore, it would have been

obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Gavarini to include the step of Burns et al. The motivation to combine these references is to assemble the cost breakdown.

Both Gavarini and Burns et al. fail to teach rules database. However, Rutkowski et al. does teach rules database (abstract, col. 4, line 10-col. 5, line 67). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Gavarini and Burns et al. to include the step of Rutkowski et al. The motivation to combine these references is to correctly associate rules with the appropriate parts of the transaction.

As per claims 4, 22, 40, Gavarini et al. discloses databases (catalogs) hosted by the third party (Fig. 2).

4. Claims 3, 6-18, 21, 24-36, 39, 42-54 are rejected under 35

U.S.C. 103(a) as being unpatentable over Gavarini, Burns et al. and

Rutkowski et al. as applied to claims 1, 19 above, and further in view of

Hess et al. (6415320B1).

Per claims 3, 21, 39: Gavarini, Burns et al. and Rutkowski et al. fail to teach shipping and related costs. However, Hess et al. does teach shipping and related costs (col. 2, lines 5-27, col. 7, lines 10-60). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Gavarini, Burns et al. and Rutkowski et al. to include the step of Hess et al.. The motivation to combine these references is ensure all costs are included in total cost.

Per claims 6-18, 24-36, 42-54: Gavarini, Burns et al. and Rutkowski et al. fail to teach online auction features, pictures, sale conditions and costs. However, Hess et al. does teach all these features which are included in eBay (Abstract, col. 2, lines 5-30). Therefore, it would have been obvious to one of ordinary skill in the art the time the Applicant's invention was made to modify the teachings of Gavarini, Burns et al. and Rutkowski et al. to

include the step of Hess et al.. The motivation to combine these references is ensure all costs are included in total cost.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (571) 272 6791. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (571) 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Debra F. Charles  
Examiner  
Art Unit 3624

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VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
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